

December 11, 2018

Ms. Claire Fishman
Carroll Engineering, Inc.
215 Schilling Circle, Suite 102
Hunt Valley, MD 21031

Re: CCBC Catonsville – Medium Voltage Equipment Replacement
Forest Conservation Variance
Tracking #01-18-2871

Dear Ms. Fishman:

A request for a variance from the Baltimore County Code Article 33 Environmental Protection and Sustainability, Title 6 Forest Conservation was received by this Department on November 28, 2018. The request seeks a variance from Sections 33-6-108 through 33-6-113 in order to forego full Forest Conservation compliance for the subject project. The applicant is proposing to upgrade the campus's Medium Voltage Power Distribution system, including UGE utility replacement and the installation of a roof over the existing utility yard. Besides the proposed roof area, the project is mostly linear in nature. Moreover, no impacts to forest or specimen trees are proposed.

The Director of the Department of Environmental Protection and Sustainability (EPS) may grant a special variance to the Forest Conservation Law in accordance with criteria outlined in Section 33-6-116(d)(1) of the Code. There are six (6) criteria listed in Subsection 33-6-116(d) and (e) that shall be used to evaluate the variance request. One (1) of the criteria under Subsection 33-6-116(d) must be met, and all three (3) of the criteria under Subsection 33-6-116(e) must be met, in order to approve the variance.

The first criterion (Subsection 33-6-116(d)(1) of the Code) requires the petitioner show the land in question cannot yield a reasonable return if the requirement from which the special variance is requested is imposed and will deprive the petitioner of all beneficial use of the property. The petitioner is seeking to upgrade the power system of an existing college campus. These upgrades are necessary to keep the power distribution system in functioning condition. Full application of the law would deprive the applicant of sustaining beneficial use of the property. Consequently, we find that this criterion has been met.

The second criterion (Subsection 33-6-116 (d) (2) of the Code) requires that the petitioner show that his/her plight is due to unique circumstances and not the general conditions of the neighborhood. The petitioner's plight is due to the costs of fully complying with Forest Conservation Law for a small, mostly linear utility project and not the general conditions of the neighborhood. Therefore, we find that the second criterion has been met.

The third criterion (Subsection 33-6-116(d) (3) of the Code) requires that the petitioner show that the special variance requested will not alter the essential character of the neighborhood. The surrounding neighborhood consists of a mix of residential, commercial, and forested areas. The proposed work will not change the use of the community college property. As such, foregoing full forest conservation compliance for the medium voltage equipment upgrades will not alter the essential character of this neighborhood. Therefore, this criterion has been met.

The fourth criterion (Subsection 33-6-116(e) (1) of the Code) requires that the granting of the special variance will not adversely affect water quality. The project will not impact any wetlands, streams, floodplains, associated buffer areas, or forest. The proposed work is predominantly a linear project in which all temporarily disturbed land will be returned to its original condition. During construction, erosion and sediment control devices will be employed in accordance with an EPS-approved grading and sediment control plan. As a result, this Department finds that the proposed variance will not adversely affect water quality. Consequently, this criterion has been met.

The fifth criterion (Subsection 33-6-116(e) (2) of the Code) requires that the special variance request does not arise from a condition or circumstance that is the result of actions taken by the petitioner. The petitioner has not taken any actions resulting in conditions or circumstances requiring this special variance prior to its request. Therefore, this criterion has been met.

The sixth criterion (Subsection 33-6-116(e)(3) of the Code) requires that the Director of EPS find that the special variance, as granted, would be consistent with the spirit and intent of Article 33, Title 6 of the Baltimore County Code. No forested areas or specimen trees will be impacted by the proposed project. Linear projects are typically exempt from Forest Conservation Law requirements under Maryland State Law, but the proposed 3,000-square foot roof installation requires compliance with this Law. However, given the lack of impact to forests and specimen trees and the very small area of disturbance, this Department finds that this variance is consistent with the spirit and intent of Article 33, Title 6 of the Baltimore County Code and this criterion has been met.

Based on our review, this Department finds that all required variance criteria have been met. Therefore, the requested variance is hereby approved in accordance with Section 33-6-116 of the Baltimore County Code contingent upon the following:

1. The following note must be on all subsequent plans for this development project:

“A variance was granted on December 11, 2018 by the Baltimore County Department of Environmental Protection & Sustainability to forgo full compliance with Forest Conservation Law. Conditions were placed on this variance to ensure that the spirit and intent of the Forest Conservation Law were met.”
2. A final Forest Conservation Plan for the entire college campus property shall be submitted to EPS staff and approved prior to any EPS approval of any future development activities on the property.
3. All temporarily disturbed areas shall be returned to their original condition upon completion of construction.
4. This variance approval does not exempt future development activities or future removal of specimen trees at this site from compliance with Baltimore County’s Forest Conservation Law.
5. Mitigation for granting this variance is not required, given the project’s small area of disturbance.

It is the intent of this Department to approve this variance subject to the above conditions. Any changes to site layout may require submittal of revised plans and a new variance request.

Please have the party responsible for meeting the conditions of this variance sign the statement on the following page and return a signed copy of this letter to this Department within 21 calendar days. Failure to return a signed copy may render this approval null and void, or may result in delays in the processing of plans for this project.

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If you have any questions regarding this correspondence, please call Ms. Libby Errickson at (410) 887-3980.

Sincerely yours,

David V. Lykens
Acting Director

DVL/lbe

c. Dr. Sandra Kurtinitis, CCBC Catonsville Campus

I/we agree to the above conditions to bring my/our property into compliance with Baltimore County's Forest Conservation Law.

CCBC Representative's Signature

Date

Printed Name